

IN THE COURT OF PROBATE FOR NOVA SCOTIA

IN THE ESTATE OF MARY ELLEN THIBEAULT, Deceased

CONSENT ORDER – RESIGNATION OF EXECUTOR SEP 19 2012

Before the Honourable Justice Peter P. Rosinski in chambers:

Halifax, N.S.

An application was made on June 18, 2012 by residuary beneficiaries Gregory Oldfield, Elizabeth Herritt, Catherine Ivany, Raymond Ivany, Phyllis Brunt, Sharon Mahoney and Peter Halleran for the removal of the Executor under s.61(1) of the Probate Act, S.N.S. 2000, s.31 and set for hearing on September 19, 2012.

The Executor has filed a notice that he desires to resign his executorship under s.61(2) of the Act.

*The residuary heirs eligible to assume administration have consented to Elizabeth Herritt, one of their number, to become Administrator of the un-administered property of the Estate upon the discharge of the Executor.*

ON MOTION, with the applicants and the Executor consenting hereto:

IT IS ORDERED that the Executor, Peter Kelly be discharged effective at the date of this order as Executor upon the following terms:

1. Peter Kelly shall file on or before October 1, 2012 an affidavit of his service of a Notice of his Grant of Probate on the beneficiaries of the estate.
2. Peter Kelly shall file on or before October 1, 2012 an accounting of his administration up to the date of his discharge as required by s. 61(6) of the Act and in form and content consistent with the Act, the Regulations made under the Act and the practices of the Court of Probate.
3. Peter Kelly shall attend before the Registrar of Probate for a formal review of his accounts on a date to be set by the succeeding Estate Administrator on or before January 15, 2013.